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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,109	08/10/2001	Mark C. Doyle	7234-PA02	3866

27111 7590 07/29/2003

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1660 UNION STREET
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EXAMINER

FRISTOE JR, JOHN K

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 07/29/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,109

Applicant(s)

DOYLE, MARK C.

Examiner

John K. Fristoe Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16, 20, 22-24 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) 17-19, 21, 25 and 26 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-32 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 12-14, 20 and 22-24 is/are rejected.
- 7) ☒ Claim(s) 2, 5-11, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species D in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).
2. Claims 17-19, 21, 25, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Information Disclosure Statement

3. The information disclosure statement filed 1/18/2002 paper no. 2 is acknowledged by the examiner

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 4, 12-14, 20, and 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 2,968,497 (Treleman). Treleman discloses a male luer apparatus comprising a tubular portion (17), a metal resilient member (23), a valve member (20), when the male luer (11) apparatus is inserted into a female luer (10) connector, the female luer connector (10) drives the resilient member (23) into a compressed position to open the forward end of the male luer (11) and permits flow from one luer to another, the liquid exiting the male luer (11)

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apparatus travels in a generally linear manner (fig. 1), a housing (32), wherein the housing is generally cylindrical (col. 1, lines 33-35) and contains threads (col. 1, lines 60-61) on the inner core surface within the internal chamber for engaging complementary threads (55) on the female luer connector, and the valve member (20) is attached to the first end of the resilient member (23).

Allowable Subject Matter

6. Claims 27-32 are allowed.
7. Claims 2, 5-11, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 2 and 5-9, the prior art of record does not disclose the above described luer connector further comprising a first necked area and a second necked area. Regarding claims 10 and 11, the prior art of record does not disclose the above described luer connector further comprising the resilient member and valve member are formed integrally. Regarding claims 15 and 16, the prior art of record does not disclose the above described luer connector further comprising the inner tubular portion is a rigid molded material. Regarding claims 27-32, the prior art of record does not disclose the above described luer connector further comprising the valve member having at least one guide portion.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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U.S. Pat. No. 2,931,668 (Baley) discloses a luer connector having a male and female connection.

U.S. Pat. No. 6,068,011 (Paradis) discloses a valve member that is integrally formed with the resilient member.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John K. Fristoe Jr. whose telephone number is (703) 308-1437. The examiner can normally be reached on Monday-Friday, 7: 00 a.m.-4: 30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Louis G. Mancene can be reached on (703) 308-2696. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



John K. Fristoe Jr.
Examiner
Art Unit 3754

JKF
July 25, 2003



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
GROUP 3700
7/25/03